

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

1

**Court Minutes**

**July 13, 2009**

- C060159      THE PEOPLE v.      (Not For Publication)**  
**MARIA DELOSANGEL MIGUEL**  
The judgment (order of probation) is affirmed.  
ROBIE, J.  
We Concur:    Blease, Acting P.J.  
                 Cantil-Sakauye, J.
- C056250      THE PEOPLE v.      (Not For Publication)**  
**JEROME ONTARIO DOSTY**  
The judgment is affirmed.  
NICHOLSON, J.  
We Concur:    Blease, Acting P.J.  
                 Sims, J.
- C057220      THE PEOPLE v.      (Not For Publication)**  
**TIMOTHY LEON FOY, JR.**  
The judgment is modified by reversing count 3, dismissing that charge, and reducing the total determinate sentence to 30 years. As so modified, the judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation a new abstract of judgment.  
CANTIL-SAKAUYE, J.  
We Concur:    Raye, Acting P.J.  
                 Robie, J.
- C058793      THE PEOPLE v.      (Not For Publication)**  
**LINDA JOYCE WISE**  
The judgment (order granting probation) is affirmed.  
ROBIE, J.  
We Concur:    Nicholson, Acting P.J.  
                 Butz, J.
- C059543      THE PEOPLE v.      (Not For Publication)**  
**JESS FERRIN SCHILBER**  
The judgment is affirmed.  
BLEASE, J.  
We Concur:    Scotland, P.J.  
                 Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

2

**Court Minutes**

**July 13, 2009, Continued**

**C060433      THE PEOPLE v.      (Not For Publication)**  
**BRIAN HARLEY MILLER**

The judgment is affirmed.

HULL, J.

We Concur: Scotland, P.J.

Robie, J.

**C058663      MEDRANO v. GRANT JOINT UNION      (Not For Publication)**  
**HIGH SCHOOL DISTRICT et al.**

The judgment is affirmed. Costs on appeal are awarded to respondents.  
(Cal. Rules of Court, rule 8.278 (a) . )

CANTIL-SAKAUYE, J.

We Concur: Scotland, P.J.

Robie, J.

**C059090      THE PEOPLE v. CLIFFORD ABERAM McDOWELL**  
**BY THE COURT:**

Appellant's petition for rehearing is denied.

BLEASE, Acting P.J.

**July 14, 2009**

**C057117      THE PEOPLE v.      (Not For Publication)**  
**JAMES ESTES SMITH**

The judgment is reversed.

CANTIL-SAKAUYE, J.

We Concur: Nicholson, Acting P.J.

Raye, J.

**C058063      THE PEOPLE v.      (Not For Publication)**  
**CHARLES GARY SULLIVAN**

The judgment is reversed, and the matter is remanded to the trial court for further proceedings to allow defendant to file, in a timely manner, a motion for new trial based on the purported newly discovered evidence to which his counsel referred at the sentencing hearing. If defendant's counsel declines to file the new trial motion, or if it is filed but denied by the trial court, the court shall reinstate the judgment.

SCOTLAND, P.J.

We Concur: Blease, J.

Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

3

**Court Minutes**

**July 14, 2009, Continued**

- C059500      THE PEOPLE v.      (Not For Publication)**  
**DANIEL LELAND HAWKINS**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Blease, Acting P.J.  
Sims, J.
- C059154      THE PEOPLE v. TY HUDSON      (Certified For Partial Publication)**  
The trial court is directed to prepare an amended abstract of judgment to reflect that the sentence for the second count of conviction for false imprisonment shall run concurrently with the sentence for the first count of conviction for false imprisonment. The court shall send a certified copy of the same to the Department of Corrections and Rehabilitation. The judgment is otherwise affirmed.  
SIMS, J.  
We Concur: Scotland, P.J.  
Raye, J.
- C059839      THE PEOPLE v.      (Not For Publication)**  
**DON LEE CARSKADDON**  
The judgment is affirmed.  
SIMS, Acting P.J.  
We Concur: Butz, J.  
Cantil-Sakauye, J.
- C060568      THE PEOPLE v.      (Not For Publication)**  
**STUART FORREST DENT**  
The judgment is affirmed.  
RAYE, Acting P.J.  
We Concur: Hull, J.  
Robie, J.
- C056910      MEYERS et al. v. COUNTY OF      (Not For Publication)**  
**CALAVERAS et al.**  
The judgment is affirmed. The County shall recover its costs on appeal.  
(Cal. Rules of Court, rule 8.278 (a) (1) & (2) . )  
SIMS, J.  
We Concur: Scotland, P.J.  
Raye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

4

**Court Minutes**

**July 14, 2009, Continued**

- C059535      In re S.P.; SUTTER COUNTY DEPARTMENT      (Not For Publication)**  
**OF HUMAN SERVICES v. K.P.**  
The order of the juvenile court terminating appellant's parental rights is affirmed.  
HULL, J.  
We Concur:    Sims, Acting P.J.  
                 Butz, J.
- C059718      In re T.S.; SACRAMENTO COUNTY      (Certified for Partial Publication)**  
**DEPARTMENT OF HEALTH AND**  
**HUMAN SERVICES v. M.S.**  
The juvenile court's orders are affirmed.  
SIMS, Acting P.J.  
We Concur:    Raye, J.  
                 Cantil-Sakauye, J.
- C060000      In re M.W.; THE PEOPLE v. M.W.      (Not For Publication)**  
The order of commitment is modified to award the minor an additional 361 days of precommitment custody credit, for a total of 412 days. As modified, the order is affirmed.  
RAYE, Acting P.J.  
We Concur:    Hull, J.  
                 Robie, J.
- C061034      In re M.S.; SAN JOAQUIN COUNTY      (Not For Publication)**  
**HUMAN SERVICES AGENCY v. H.S.**  
The order of the juvenile court is affirmed.  
NICHOLSON, J.  
We Concur:    Blease, Acting P.J.  
                 Cantil-Sakauye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

5

**Court Minutes**

**July 15, 2009**

**MISC. ORDER 2009-008**

BY THE COURT:

In appeals wherein the remittitur has not been issued, court-appointed counsel may be reimbursed for an additional four hours of time to file a petition for writ of certiorari in the United States Supreme Court which raises the issue of whether an adjudication sustained by a defendant in the juvenile court, while a minor, qualifies as a prior felony conviction for purposes of increasing the maximum sentence under California's Three Strikes Law. (See *People v. Nguyen*, (July 2, 2009, S154847) \_\_\_\_ Cal.4<sup>th</sup> \_\_\_\_.)

Court-appointed counsel will not be required to file a motion to expand the scope of their appointment for preparation of a petition based on this issue. The claim for reimbursement for this work is to be submitted as part of the claim for compensation. A copy of the petition must be submitted with the claim.

SCOTLAND, P.J.

**C057593**

**THE PEOPLE v.  
ANDRE ZELINSKI LUCAS**

**(Not For Publication)**

Defendant's conviction in count III of kidnapping for rape and the true finding of a special enhancement of aggravated kidnapping for rape are vacated. ... If the vacated counts are retried, the trial court shall resentence defendant at the conclusion of that trial. In all other respects, the judgment is affirmed.

BUTZ, J.

I concur: Hull, J.

I concur with the opinion except as to part I of the Discussion as to which I concur in the result.

Nicholson, Acting P.J.

**C057085**

**THE PEOPLE v.  
FORREST BELL-SENTENEY**

**(Not For Publication)**

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.

Hull, J.

**C057567**

**SHINN v. SHERRILL**

**(Not For Publication)**

The judgment (order for new trial) is affirmed. Shinn shall recover his costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (1) . )

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.

Hull, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

6

**Court Minutes**

**July 15, 2009, Continued**

- |                |   |                              |
|----------------|---|------------------------------|
| <b>C060228</b> | <b>THE PEOPLE v. FRANKIE TIMMONS</b><br>The judgment is affirmed.<br>ROBIE, J.<br>We Concur: Blease, Acting P.J.<br>Cantil-Sakauye, J.  | <b>(Not For Publication)</b> |
| <br>           |   |                              |
| <b>C060185</b> | <b>THE PEOPLE v. DOREEN DOTSON</b><br>The judgment is affirmed.<br>ROBIE, J.<br>We Concur: Scotland, P.J.<br>Hull, J.   | <b>(Not For Publication)</b> |
| <br>           |   |                              |
| <b>C060561</b> | <b>THE PEOPLE v.<br/>DONTÉ LEMAR LILLY</b><br>The trial court is directed to correct its minutes and forward a corrected abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is affirmed.<br>ROBIE, J.<br>We Concur: Blease, Acting P.J.<br>Cantil-Sakauye, J. | <b>(Not For Publication)</b> |

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

7

**Court Minutes**

**July 16, 2009**

**AMENDED MISC. ORDER 2009-008**

BY THE COURT:

In appeals wherein the time for filing a petition for writ of certiorari in the United States Supreme Court has not expired, court-appointed counsel may be reimbursed for an additional four hours of time to file a petition for writ of certiorari in the United States Supreme Court which raises the issues of whether an adjudication sustained by a defendant in the juvenile court, while a minor, qualifies as a prior conviction for purposes of increasing the maximum sentence under the California Three Strikes Law or as a prior conviction for purposes of imposing an upper term of imprisonment under the fact of a prior conviction exception enunciated in the *Apprendi v. New Jersey* (2000) 530 U.S. 466 and *Cunningham v. California* (2007) 549 U.S. 270. (See *People v. Nguyen*, (July 2, 2009, S154847) \_\_\_Cal.4<sup>th</sup>\_\_\_.)

Court-appointed counsel will not be required to file a motion to expand the scope of their appointment for preparation of a petition based on either of these issues. The claim for reimbursement for this work is to be submitted as part of the claim for compensation. A copy of the petition must be submitted with the claim.

SCOTLAND, P.J.

<b>C058329</b>	<b>THE PEOPLE v. PHILLIP D. BARTELL</b>	<b>(Not For Publication)</b>
----------------	---	------------------------------

The judgment is affirmed.  
RAYE, Acting P.J.  
We Concur: Hull, J.  
                  Cantil-Sakauye, J.

<b>C058601</b>	<b>THE PEOPLE v. STEVEN ROY SHEPEARD</b>	<b>(Not For Publication)</b>
----------------	--	------------------------------

The judgment is affirmed.  
RAYE, J.  
We Concur: Scotland, P.J.  
                  Sims, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

8

**Court Minutes**

**July 16, 2009, Continued**

**C060224      THE PEOPLE v.      (Not For Publication)**  
**PEGGY ANN RUIZ**

The fine and penalty assessments are vacated, and the matter is remanded to the trial court to allow it to reimpose any such appropriate punishment by separately listing the statutory basis for a fine and penalty assessments. In all other respects, the judgment is affirmed.

SCOTLAND, P.J.

We Concur: Hull, J.  
Robie, J.

**C060678      THE PEOPLE v.      (Not For Publication)**  
**JASPER MORGAN LEE**

The judgment is affirmed.

ROBIE, J.

We Concur: Scotland, P.J.  
Hull, J.

**C061013      THE PEOPLE v.      (Not For Publication)**  
**ERNEST ABE OGLESBY III**

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Hull, J.  
Robie, J.

**C048668      STATE COMPENSATION INSURANCE      (Not For Publication)**  
**FUND v. WORKERS' COMPENSATION**

**C049286      APPEALS BOARD and SANDHAGEN**  
**SANDHAGEN v WORKERS' COMPENSATION**  
**APPEALS BOARD and STATE COMPENSATION**  
**INSURANCE FUND**

The WCAB's decision is annulled, and the matter is remanded to the WCAB for further proceedings consistent with this opinion. The parties shall bear their own costs on review.

RAYE, J.

We Concur: Scotland, P.J.  
Cantil-Sakauye, J.

**C055264      LOPEZ v. CALIFORNIA HIGHWAY      (Not For Publication)**  
**PATROL et al.**

The judgment is affirmed. CHP shall recover costs on appeal.

RAYE, Acting P.J.

We Concur: Robie, J.  
Cantil-Sakauye, J.



**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

9

**Court Minutes**

**July 16, 2009, Continued**

- C060183**      **In re T.L.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. S.L.**      **(Not For Publication)**  
The juvenile court's orders are affirmed.  
SCOTLAND, P.J.  
We Concur: Raye, J.  
Hull, J.
- C060937**      **In re V.L.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. D.L.**      **(Not For Publication)**  
The juvenile court's orders are affirmed.  
SCOTLAND, P.J.  
We Concur: Hull, J.  
Robie, J.
- C058703**      **In re DAVID S. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. R.S.**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
BLEASE, Acting P.J.

**July 17, 2009**

- C060283**      **THE PEOPLE v. STEVEN JOHNNY JOHNSON**      **(Not For Publication)**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Blease, Acting P.J.  
Robie, J.
- C059898**      **In re T.M.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. C.M.**      **(Certified For Publication)**  
The order terminating parental rights is reversed. The case is remanded for a new selection and implementation hearing.  
CANTIL-SAKAUYE, J.  
We Concur: Blease, Acting P.J.  
Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

10

**Court Minutes**

**July 17, 2009, Continued**

**C060909      In re A.E.; SACRAMENTO COUNTY      (Not For Publication)**  
**DEPARTMENT OF HEALTH AND**  
**HUMAN SERVICES v. R.C.**

The juvenile court's order is affirmed.

HULL, J.

We Concur:    Scotland, P.J.  
                     Robie, J.

**C060151      THE PEOPLE v.      (Not For Publication)**  
**DENNY LEE MCVEY**

The judgment is affirmed.

HULL, J.

We Concur:    Scotland, P.J.  
                     Robie, J.